IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6648 of 2006

DATED: 13.4.2006

Between:

P.V.S.Sharma and others petitioner

And

The Managing Director,

A.P.State Coop Rural Irrigation Corporation,

HACA Bhawan, 1st floor, Op: Public Gardens,

Hyderabad and two others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 6648 of 2006

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ORAL ORDER:

The present writ petition is filed challenging the proceedings dated 28.3.2006 transferring the petitioners to warangal.

The petitioners are working as Helpers and Driller-cum-drivers in the A.P. State Coop Rural Irrigation Corporation. The petitioners herein along with others filed W.P. No. 4907 of 2006 questioning the action of the respondents in not paying the salaries from November 2004 to 28.2.2006. While admitting the said writ petition, this Court by order dated 17.3.2006 granted interim orders directing the respondents to pay the current salaries to the petitioners therein regularly and to clear arrears within a period of three months. Pursuant to the said interim orders, the first respondent/Managing Director passed the impugned order dt 27.3.2006 transferring the petitioners to Warangal sub division stating that the same is in compliance with the interim orders of this Court. Hence, the present writ petition.

Learned counsel for petitioner submitted that transferring the petitioners to Warangal Sub Division terming it as compliance of orders of this Court in W.P.M.P. No. 6242 of 2006 dated 17.3.2006 is illegal. It is further submitted that since salaries are not paid, petitioners are not in a position to meet the expenditure of shifting the family to Warangal.

The operative portion of the impugned order reads as under:

> *"At present there are no funds with the sub-division, Vizianagaram, for the payment of either arrears or current salaries to the petitioners regularly".*
>
> *Accordingly, with a view to comply with the interim directions of the Hon'ble High Court, Sri G.Satyanarayana, Assistant cum Typist -petitioner is transferred and posted to Karimnagar sub division.*
>
> *The Dy.Executive Engineer, Vizianagaram is directed to relieve him on the A.N of 31st March 2006 with directions to report to his new place of posting.*
>
> *The Deputy Executive Engineer and Executive Engineer concerned are requested to take action accordingly and*

report compliance."

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This Court on 4.4.2006 upon hearing the respective counsel appearing in the matter, intended to grant stay of transfer proceedings dated 27.3.2006 until the respondents comply with the interim orders of this Court in WPMP No. 6242 of 2006 in W.P. No. 4907 of 2006. However, at the request of the learned counsel for respondents, the matter was adjourned on 5-4-2006 and 6.4.2006. On 6.4.2006, learned Government Pleader for Co-Operation and learned Standing Counsel for first respondent assured this Court that salaries would be paid to the concerned employees and sought time to file counter affidavit.

A counter affidavit is filed in connected W.P. No. 6591 of 2006 indicating various reasons for transferring the petitioner. It is stated that in the Vizianagaram sub division there is no work load for the last two years and the employees are idle and there is no source of income generation in the sub division. It is stated that there is no grant-in-aid from the Government and the salaries of the employees has to be borne out from the income generated through execution of works allotted at district level and in the absence of sufficient income, the maintenance of staff is not possible a t Vizianagaram sub division. Hence, with a view to comply with the interim directions of this Court in WPMP 6242 of 2006 dt 17.3.3006 and to accommodate the petitioner, the transfers were effected.

Learned standing counsel for first respondent on instructions submitted that the first respondent/Managing Director has already issued directions to concerned officials to comply with the interim directions of this Court dated 17.3.2006.

Responding to said statement, learned counsel for petitioners submitted that if the salaries are paid and respondents comply with the directions of this Court dated 17.3.2006 and undertakes to pay the arrears of salaries within three months as directed by this Court in the interim orders, the petitioners have no objection to join the new place of posting.

Having regard to the fact that there is no sufficient work load and income source to pay the salaries of the employees in the Vizianagaram sub division and the transfers were effected to accommodate the petitioners and in view of the statement of the learned Standing Counsel for respondents that already directions were issued to pay the current salary and also to pay the arrears of salary in terms of interim

directions of this Court dated 17.3.2006, as agreed by the learned counsel for petitioners, I deem it appropriate to dispose of the writ petition with the following direction.

The respondents are directed to immediately pay the monthly salary to the petitioners and relieve them from Vizianagaram.

On receipt of the monthly salary the petitioners are directed to join the new place of posting. The respondents are further directed to pay the arrears of salary to the petitioners within three months in terms of interim orders of this Court in WPMP No. 6242 of 2006 in W.P.No. 4907 of 2006 dated 17.3.2006.

Subject to above directions, the writ petition is disposed of.

No costs.

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N.V.RAMANA,J

DATE: 13-4-2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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